REMARKS

Applicant thanks the examiner for his attention to the application.

In regard to the drawings and even though the changes were approved, applicant proposes to submit replacement drawings upon receipt of a notice of allowability. To prepare such drawings prior to receipt of an indication of allowed claims or allowable subject matter is otherwise extremely burdensome. Additionally, early submission with this response is also not believed warranted, since the original drawings are sufficient to perform examination. Applicant therefore requests the examiner's reconsideration and permission to defer the submission of corrected drawings per 37 CFR 1.85 (c) until receipt of a notice of allowability.

Claims 1, 3-12, 15-22 and 24-30 are pending in the application. All claims stand rejected under the art. Claims 1, 3-9, 11-12 and 24-30 stand rejected as being anticipated under 35 USC §102 by Shuert (5,401,347). Claim 10 stands rejected as being obvious under 35 USC §103 over Shuert. Claims15-19 and 21, 22 stand rejected as being obvious under 35 USC §103 over Shuert in view of Heil.

Shuert (5,401,347) discloses alternative thermoformed (i.e. vacuum formed) pallets 10 and 12 having a first sheet with a flat outer surface. The pallet 10 includes bosses 14b and 16b and the pallet 12 includes bosses 30b and 32b. A tangential contact is taught between the bosses 14b and 16b, see the specification at column 4, line 37 through column 5, line 27, the top views of Figures 7 and 8 and the cross section views 2-4 and 6.

A tangential contact is also taught for the pallet 12 between the bosses 30b and 32b at column 5, line 38 through column 6, line 35. Lines 59-61 at column 5 of Shuert particularly state that the same intermeshing occurs between the bosses 30b and 32b as

described with respect to the pallet structure 10. In regard to the referenced pallet 12, see also the related top view at Figure 19 and cross section views 11, 12, 14, 15, 17 and 18. Hollow spaces or openings (e.g. 28) otherwise are provided between the rows of intermeshed bosses of both of Shuert's pallets 10 and 12.

Shuert particularly teaches **frustum or coffee cup shaped bosses** that project from the bottom of a top layer and the top of a bottom layer. The layers are stacked or interdigitated with the conical sides of the projections touching at points of tangency along tapered conical sides of the protrusions. The flat bottoms and tops of the bosses contact the flat portions of the top and bottom layers. The tangential, sidewall contact between the bosses is particularly apparent from the top views of figures 7 and 19. The contact between the flat portions of the bosses and flat surfaces of the sheets and the tangential contact between the bosses is further apparent from the cross section views 4, 11, 12, 14, 15 – 18. **In short, Shuert provides substantial hollow spaces where the bosses 14b and 16b and 30b and 32b are not in contact with each other between the sheets 14 and 16 and 30 and 32.**

The bosses also exhibit distinguishable configurations from applicant's interior surfaces. That is and in contrast and as shown at Figure 4 and elsewhere in the subject application, applicant's claimed blow molded pallets provide undulating, wave-shaped or corrugated inner surfaces. The humps 36 and valleys 58 of each undulation or wave and/or ridges 52 and grooves 48, formed along the length of a single wave, are molded to complementary shapes, such that upon interdigitation, each depending undulation or wave from the first portion substantially and conformally mates with each complementary wave from the second portion in all regions of interdigitation or overlap.

Substantially no spaces occur in the regions of overlapped interdigitation. Independent claims 1, 11, 15 and 26 have variously been amended to distinguish the lack of spaces in the regions of interdigitation and the undulating/wave-shaped/corrugated configurations of applicant's inner surfaces.

Applicant's complementary, conformal interdigitation is particularly obtained in view of his use of one pallet portion as a mold for the other pallet portion. That is, applicant uses the inner surface of the one pallet portion as the molding surface for the adjoining inner surface.

Neither the configuration of an undulating, wave-shaped and/or corrugated inner surface nor the interdigitation with a complementary wave-shaped surface is disclosed, suggested or to be inferred or is any motivation thereto provided from the Shuert and/or Heil.

In regard to the examiner's comments and objections to applicant's use of the term "wave-shaped", enclosed find various definitions from Websters New World – Second College Edition dictionary to "wave", "undulation" and "conformal". These definitions, clearly differentiate applicant's claims from Shuert's bosses. For example, even if a row of Shuert's bosses are considered to be a single wave or a bisected wave, the wave would exhibit a discontinuous configuration of displaced flat and tapered surfaces that would not exhibit a configuration as contemplated by the definitions (e.g. series of curves, curls, sinusoid planar surfaces).

It is also to be noted that nowhere do Shuert or Heil disclose the further forming of secondary undulations or waves (i.e. ridges 52 and grooves 48) within each primary

undulation or wave and as claimed at the dependent claims (e.g. claims 8, 28, 29, 37 and 38).

Heil is cited for showing a blow-molded pallet and from which the examiner argues it would have been obvious to apply a blow molding process to form the pallet of Shuert. The examiner's assertions, however, appear to arise from a hindsight reconstruction, using applicant's application as a teaching guide.

That is, Heil, at col. 5, lines 59-66 merely references blow molding as a possible molding technique to form his relatively simple pallet. No disclosure, however, is provided at Heil to the configuration of the internal construction of his pallet. Figure 5 is referenced for showing a honeycombed construction, apparently due to the holes 82. Otherwise, no discussion is noted to the construction of Heil's interior surfaces. In particular nothing discloses or suggests that Heil's interior surfaces are in contact with each other and certainly not complementary, conformally mated undulating surfaces that are interdigitated in complementary contact as applicant claims.

The applicability of molding Shuert's pallet using the brief suggestion of Heil is therefore not believed supported from the references in view of the lack of any disclosure, suggestion, inference or any other motivation at Shuert or Heil to this end.

The applicability and asserted combination of Heil with Shuert is further questioned, since any such combination would require undue experimentation to arrive at either the structure disclosed at Shuert or applicant's distinguishable structure. Heil alone and/or in combination with Shuert therefore does not teach, suggest or provide any inference or motivation to arrive at applicants' claimed pallets.

Independent claims 1, 11, 15 and 26 have been amended to variously distinguish the complementary and conformal interdigitation that exits at the mating inner surfaces of applicant's pallets, the undulating/wave-like configuration at the inner pallet surfaces, and the related lack of spaces in the regions of interdigitation. The amended independent claims should therefore no longer be objectionable over Shuert and/or Heil. All related dependent claims further define other novel combinations and should also no longer be objectionable.

All amended and new claims should therefore be allowable over the cited art. No new matter has been entered with any of the foregoing amendments. Applicant requests the examiner's reconsideration and passage of the application to allowance and an early notice thereto. Prior to entry of any further action not containing allowable claims or subject matter, applicant also requests an opportunity to discuss the claims with the examiner.

If any matters remain that can be handled with a telephone conference, the examiner is encouraged to contact the undersigned.

Respectfully submitted,

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Enclosures